

### **REMARKS**

Please enter this Submission as part of the Request for Continued Examination (RCE) filed herewith under 37 CFR §1.114.

As of the filing of this Submission, claims 1-10, 13, 14, 17-21, 28, and 30-33 were pending in the above-identified US Patent Application. The following is an explanation of amendments presented with this Submission.

Independent product claim 1 and its dependent claims 6, 7, 10, 13, 14 and 28 have been canceled, and dependent product claims 3-5, 8, 9, 20, 21, 32 and 33 have been rewritten as dependent method claims that depend from method claim 30.

Method claim 30 has been rewritten in independent form to include all of the limitations of its base claim 1, and to further require limitations found in Applicants' specification in the last paragraph of page 11.

Applicants respectfully believe the above amendments do not present new matter. Favorable reconsideration and allowance of remaining claims 2-5, 8, 9, 17-21, and 30-33 are respectfully requested in view of the above amendments and the following remarks.

In the previous Office Action of June 17, 2008, the Examiner objected to the drawings and rejected all of the claims under 35 USC §112 on the basis that the drawings and specification fail to provide support for limitations found in claims 1, 6, 10, 13, 14 and 28. Applicants believe this objection and rejection are overcome by the cancellation of claims 1, 6, 10, 13, 14 and 28, and therefore respectfully request their withdrawal.

Also in the previous Office Action, the Examiner rejected:

independent product claim 1 and its dependent product claims 4, 5, 7-9, 14, 20, 21, and 32 under 35 USC §103 based on U.S. Patent No. 6,409,674 to Brockway et al. (Brockway) in view of U.S. Published Patent Application No. 2003/0010808 to Uhland et al. (Uhland);

independent product claim 1 and its dependent product claims 3, 6, 7, 9, 10, 14, 20, 21, 32, and 33 under 35 USC §103 based on U.S. Patent No. 7,147,604 to Allen et al. (Allen) in view of Uhland; and

dependent product claim 28 (which depends from claim 1) under 35 USC §103 based on Brockway and Uhland in further view of U.S. Patent No. 6,636,769 to Govari.

These rejections are overcome by the cancellation of independent product claim 1 and some of its dependent product claims and the rewriting of its

remaining dependent claims as method claims that depend from method claim 30.

Finally, method claim 30 and its remaining dependent method claims 2 and 17-19 were rejected under 35 USC §103 based on Allen and Uhland in further view of U.S. Patent No. 4,869,263 to Segal et al. (Segal), and dependent method claim 31 (which depends from claim 30) was rejected under 35 USC §103 based on Allen, Uhland and Segal in further view of U.S. Patent No. 5,662,712 to Pathak et al. (Pathak). Applicants respectfully request favorable reconsideration of method claim 30 and all of its dependent claims in view of the above amendments and the following remarks.

Applicants respectfully believe that the Office Action of June 17, 2008, did not remedy the issues raised in Applicants' Request for Clarification filed May 6, 2008, concerning the failure of the Office Action of April 17, 2008 (Paper No. 20080412) to address the differences between Allen and the invention as recited in method claim 30. In particular, the section entitled "Response to Arguments" in the Office Action of June 17, 2008, merely addressed independent product claim 1 and never specifically addressed method claim 30 and Applicants' argument that

Allen does not disclose or suggest how or why such a sensor would be delivered to block an artery, and Allen's Figures 18-20 clearly show that such a sensor and delivery method do not result in the artery 268 being blocked.

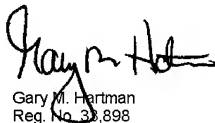
Reply of May 6, 2008, page 3, last paragraph.

While the "Response to Arguments" discusses Allen's sensor as "capable of causing at least partial blockage in the artery," alleged capabilities of a device do not obviate a method that is neither disclosed nor suggested by any prior art of record, and for which the prior art lacks any motivation.

While the Office Action of June 17, 2008, appears to use Segal to remedy the deficiencies of Allen, Segal never places a sensor in a pulmonary artery then delivers the sensor to a second smaller pulmonary artery where it becomes lodged and blocks the smaller pulmonary artery. Instead, Segal places a balloon 16 in a main pulmonary artery 129 then delivers the balloon 16 to a smaller pulmonary artery 131 where it becomes lodged and blocks the smaller pulmonary artery 131 - the sensor 21 never travels beyond the main pulmonary artery 129 and never blocks an artery. See FIG. 11 and corresponding description. Furthermore, Segal does not disclose or suggest that the sensor 21 and its balloon 16 are chronically placed and the sensor 21 is operated to chronically monitor pulmonary artery pressure.

Applicants believe tertiary reference Pathak fails to address these deficiencies of Allen and Segal. Applicants therefore respectfully request withdrawal of the rejections to the claims under 35 USC §103, and ask that their patent application be given favorable reconsideration.

Respectfully submitted,



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